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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,454	11/20/2001	Thomas Wirycz	7189	2430

7590 02/02/2004  
JOHNS MANVILLE INTERNATIONAL, INC.  
Legal Department  
P.O. Box 5108  
Denver, CO 80217

EXAMINER

GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/996,454

Applicant(s)

WIRYCZ ET AL.

Examiner

John J. Guarriello

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/26/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1/02 .                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

15. The Examiner acknowledges the affirmation of 9/26/2003, of Group I, claims 1-20 the Restriction requirement, Group II, claims 21 and 22 are withdrawn as directed to a non-elected invention. Since the election was made without traverse, the Restriction is made final for reasons of record. invention.

#### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2249 994 in view of EP 875 618 and Moll 6,267, 151 and Yabuta et al. 4,330,785.

GB'994 describes the color printing on a glass fiber substrate(see abstract) (corresponding to the claimed process of making a designed fiberglass covering), the first phase is by coating the face of the fiberglass (page 3, lines 1-10) substrate which can be an acrylic matter, then colorants or printing are applied (which corresponds to the first image

coating), (page 4, lines 1-29). GB'994 describes applying the second coating on the previously imprinted substrate, (page 4, lines 21-35). GB'994 describes the drying through heating and applying selective coating to achieve any pattern, (page 2, lines 25-35). GB'994 differs from the claimed invention because it is silent about the expandable microspheres, starch, and rotary screen.

Moll describes the production of patterned glass fabric which can be wallpaper, (see abstract). Moll describes the patterned glass fabric can be coated in a known manner with a mixture of starch and synthetic resin, (column 2, lines 24-25).

EP 875 618 describes the production of wall coverings of the fiberglass fabric with two successive coats and is printed with a rotary screen printing of an acrylic resin, (see abstract). EP'875 describes glass fabric with two successive coats, (page 2, lines 53-56).

Yabuta describes the use of thermo-expandable microspheres as a coating layer on the surface of a substrate, (column 1, lines 65-68). Yabuta describes the use of thermo-expandable microspheres with a polymeric binder, (column 3, lines 65-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the starch of Moll, the rotary screen printing of EP'618 and the expandable thermo-expandable microspheres in the coating process of GB'994 motivated with the expectation that improved visibility of the wall covering would be evidenced as noted by Moll, (column 1, lines 63-64). Regarding the use of crosslinkers with the starch and the binder crosslinkers (zirconium) are known to improve film formation and hydrophobicity as evidenced by EP1101749, (page 4, column 3, lines 53-58; column 4, lines 1-8). The use of the expandable microspheres would improve the coating effectiveness of the chemical mixture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is 571-272-1476. The examiner can normally be reached on 8 hr. flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.



John J. Guarriello  
Patent Examiner  
Art Unit 1771

January 16, 2004

January 26, 2004



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700